



PATENT
Attorney Docket No.: AVARS-02600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re Application of:

Wayne A. Feick et al.

United States Serial No.: 10/070,339

Filing Date: February 27, 2002

For: **METHOD AND APPARATUS FOR
COMMUNICATING DATA
WITHIN MEASUREMENT
TRAFFIC**

) Group Art Unit: Unknown

DEC 23 2005

) Examiner: Unknown

OFFICE OF PETITIONS

) **PETITION TO ACCORD A
SEPTEMBER 22, 2003, FILING DATE
TO SUPPLEMENTAL DECLARATIONS**

) 162 N. Wolfe Road
Sunnyvale, CA 94086
(408) 530-9700

Customer No.: 28960

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicants make this petition under 37 C.F.R. § 1.10(e) to accord a filing date to Supplemental Declarations filed in this case with the United States Patent Office on September 22, 2003. In accordance with § 1.10(e):

1. This petition is filed promptly after the Applicants became aware that USPTO has no evidence of receiving the Supplemental Declarations. (Haverstock Decl., ¶ 3)
2. The number of the "Express Mail" mailing label was placed on the correspondence containing the Supplemental Declarations and fees that constitute the correspondence before the original mailing by "Express Mail." (Palladino Decl., ¶¶ 2, 4, and Exhibit 1)
3. Filed with this Petition are copies of the originally deposited Supplemental Declarations showing the number of the "Express Mail" mailing label thereon and a copy of the "Express Mail" mailing label showing the "date-in" of 9-22-03 and bearing a September 22, 2003, date stamp.
4. Filed with this Petition are a Declaration of Annette Palladino in Support of the Petition to Accord a September 22, 2003, Filing Date to Supplemental Declarations; and a Declaration of Thomas B. Haverstock in Support of the Petition to Accord a September

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22, 2003, Filing Date to the Supplemental Declarations. Together, the Declaration of Annette Palladino and the Declaration of Thomas B. Haverstock establish the original deposit of the Supplemental Declarations and also establish that the copy of the Supplemental Declarations and the Customer Copy of the "Express Mail" mailing label included are true copies of the originally mailed Supplemental Declarations and the Customer Copy of the "Express Mail" mailing label.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: 12-16-05

By: 
Thomas B. Haverstock
Reg. No.: 32,571